

To the Honorable Council City of Norfolk, Virginia

February 9, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception for an eating and drinking establishment at 143 Granby Street -

Starbucks

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Women Done

Item Number:

R-15

Marcus D. Jones, City Manager

- I. Staff Recommendation: Approval
- II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.
- III. Request: Special Exception for an eating and drinking establishment
- IV. Applicant: Starbucks

V. <u>Description:</u>

- Granting this request will allow the new Starbucks coffeehouse moving into the commercial suite at 143 Granby Street, the space formerly occupied by the Bobbywood restaurant, to add alcoholic beverages to their menu.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their new location.

Staff point of contact: Sarah Richards at 664-7470, sarah.richards@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

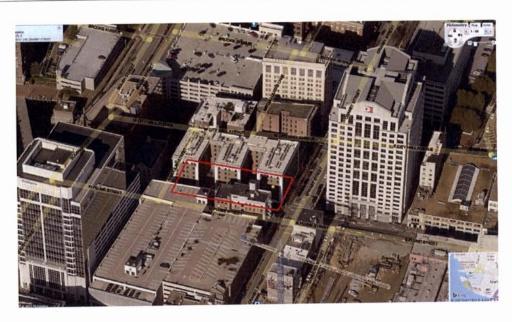


Planning Commission Public Hearing: January 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Sarah Richards 568

Staff Report	Item No. 10			
Address	143 Granby Street	143 Granby Street		
Applicant	Starbucks	Starbucks		
Request	Special Exception	Eating and drinking establishment		
Property Owner	Seaboard Building, LL	C (Raffaele Allen)		
Site Characteristics	Building Area/Space	22,282 sq. ft./2,560 sq. ft.		
	Future Land Use Map	Downtown		
	Zoning	D-2 (Downtown Regional Center District), Downtown Historic District Overlay		
	Neighborhoods	Downtown		
	Character District	Downtown		
	North	D-2: Littman's Pawn Shop		
	East	D-2: Dominion Enterprises		
Surrounding Area	South	D-2: Smoothie King		
	West	D-2: The Law Building apartments		



A. Summary of Request

- This special exception would allow the establishment to serve alcoholic beverages for onpremises consumption.
- Starbucks would like to start offering beer and wine to their customers in select locations, along with an expanded food menu.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

- i. General
 - The site is located in the D-2 District, which permits the proposed use by special exception.

	Previous (Bobbywood)	Proposed (Starbucks)	
Hours of Operation	11:00 a.m. until 2 a.m., seven days a week	4:30 a.m. to 10:00 p.m., Monday through Friday 5:00 a.m. to 10:00 p.m. Saturday 5:30 a.m. to 9:00 p.m. Sunday	
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2 a.m., seven days a week	2:00 p.m. to 10:00 p.m., Monday through Friday 12:00 p.m. to 10:00 p.m. Saturday 12:00 p.m. to 9:00 p.m. Sunday	
Capacity	75 seats indoors 22 seats outdoors 112 total capacity	54 seats indoors 0 seats outdoors 95 total capacity	

Special Exception history:

City Council Approval	Applicant	Request		
June 2014	Robert Huber	 Eating and Drinking Establishment 		
Pending	Starbucks	 Eating and Drinking Establishment 		

ii. Parking

The site is located within the D-2 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located mainly in the X (Shaded) Flood Zone, which is a moderate-risk flood zone.

 Any substantial modifications to the building would require the building to comply with current flood regulations.

D. Transportation Impacts

No new trips are forecast related to the proposed addition of alcohol sales at this existing restaurant.

E. Historic Resources Impacts

- The building lies within the Downtown Historic Overlay, and is considered a contributing structure.
- Any modifications to the exterior of the building shall be subject to the City's Design Review Process and/or Architectural Review Board approval for a Certificate of Appropriateness.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping improvements for the existing site.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- Signage and awnings were approved by the Architectural Review Board on October 19th.
- There have been no calls for service to this property.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

The application was sent to the Downtown Norfolk Council and the Downtown Norfolk Civic League on December 12th.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in The Virginian-Pilot on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours for the sale of alcoholic beverages shall be from 2:00 p.m. to 10:00 p.m., Monday through Friday, 12:00 p.m. to 10:00 p.m. Saturday, and 12:00 p.m. to 9:00 p.m. Sunday.
- (b) The seating for the establishment shall not exceed 54 seats indoors, 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (I) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Council
Notice to the Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Rick Henn—Representative 1400 Granby St., Unit 407 Norfolk, VA 23510

Maureen Smith—Representative 210 E. Main St. Norfolk, VA 23510

Thomas Lisk—Representative 919 E. Main St., Ste. 1300 Richmond, VA 23219

Kevin L. Sutton—Representative 1026 Silver Charm Circle Suffolk, VA 23435

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: 56 C

By _____ DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "STARBUCKS" ON PROPERTY LOCATED AT 143 GRANBY STREET, SUITES 141 AND 143.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Coffee House Holdings, Inc. authorizing the operation of an eating and drinking establishment named "Starbucks" on property located at 143 Granby Street, Suites 141 and 143. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the western line of Granby Street and 213 feet, more or less, along the northern line of West Plume Street; premises numbered 143 Granby Street, Suites 141 and 143.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 4:30 a.m. until 10:00 p.m. Monday through Friday, 5:00 a.m. until 10:00 p.m. on Saturday, and 5:30 a.m. until 9:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages for on-premises consumption shall be limited to 2:00 p.m. until 10:00 p.m. Monday through Friday, 12:00 noon until 10:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.
- (c) The seating for the establishment shall not exceed

- 54 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony

with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- development will be proposed use and (d) The constructed, arranged and operated so as not to development of interfere with use and the in accordance with the property neighboring applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect

of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on July 8, 2014 (Ordinance No. 45,607). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (4 pages)



EXHIBIT "A" Description of Operations

Eating and Drink	ing Establish	IIIICIII	
Date			
Trade name of business <u>Starbucks #7478</u>			
Address of business 145 Granby Street, Nor	folk, VA 23510		
Name(s) of business owner(s)* Coffee Hous	e Holdings, Inc	<u>. </u>	
Name(s) of property owner(s)* <u>Seaboard Bu</u>	ilding, LLC; Ra	ffaele Allen	
Daytime telephone number (757) 625-0600			
*If business or property owner is partnership, *If business or property owner is an LLC or C	all partners morporation, all	ust be listed. principals must be	listed.
1. Proposed Hours of Operation: Mon-Thu 4:30am–9pm; Fri 4:30am–10pm			
Facility Weekday From 4:30 am To 10:00 p.m.	Alcoholic Be Weekday	everage Sales From <u>2:00 pm</u>	To <u>10:00 pm</u>
Friday From 4:30 am To 10:00 p.m.		From <u>2:00 pm</u>	
Saturday From 5:00 a.M To 10:00 p.m.	Saturday	From <u>12:00 pm</u>	To <u>10:00 pm</u>
Sunday From 5:30 am To 9:00 pm.		From <u>12:00 pm</u>	
2. Type of ABC license applied for (check a X□ On-Premises □ Off-Premises	ll applicable bo (additional app	xes) lication required)	
 Type of alcoholic beverage applied for X□ Beer X□ Wine □ M 	ixed Beverage		
Will indoor or outdoor entertainment be pr (Entertainment consists of anything more	than one, unar	nplified musician)	

5.		deo games, pool tables, game boards or other types of games be provid (If more than 4, additional application required)
	5a.	If yes, please describe type and number of each game to be provided
6.	Will pa	atrons ever be charged to enter the establishment? X□ No
	6a.	If yes, why
	6b.	Which days of the week will there be a cover charge (circle all applicable Monday Tuesday Wednesday Thursday Friday
		Saturday Sunday
7.	Will th □ Yes	e facility or a portion of the facility be available for private parties? X□ No
	7a.	If yes, explain
8.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment X□ No
	8a.	If yes, explain

X□ No

☐ Yes (Different application required)

DEPARTMENT OF CITY PLANNING

	□ Yes	X□ No		
	bit A – Page ng and Drini	a 3 king Establishm	nent	
1	0. Additional	comments/ desc	ription/operational	characteristics or prior experience:
N	ote: If smok uilding requir	ing is permitted, rements for such	then floor plans m facility	ust be submitted showing all necessary
			Signature	of Applicant:
				Signature: Sept Main
				Name: Stephanie Meier
				Title: Assistant Secretary of Coffee House Holdings, Inc.

9. Will there ever be a minimum age limit?

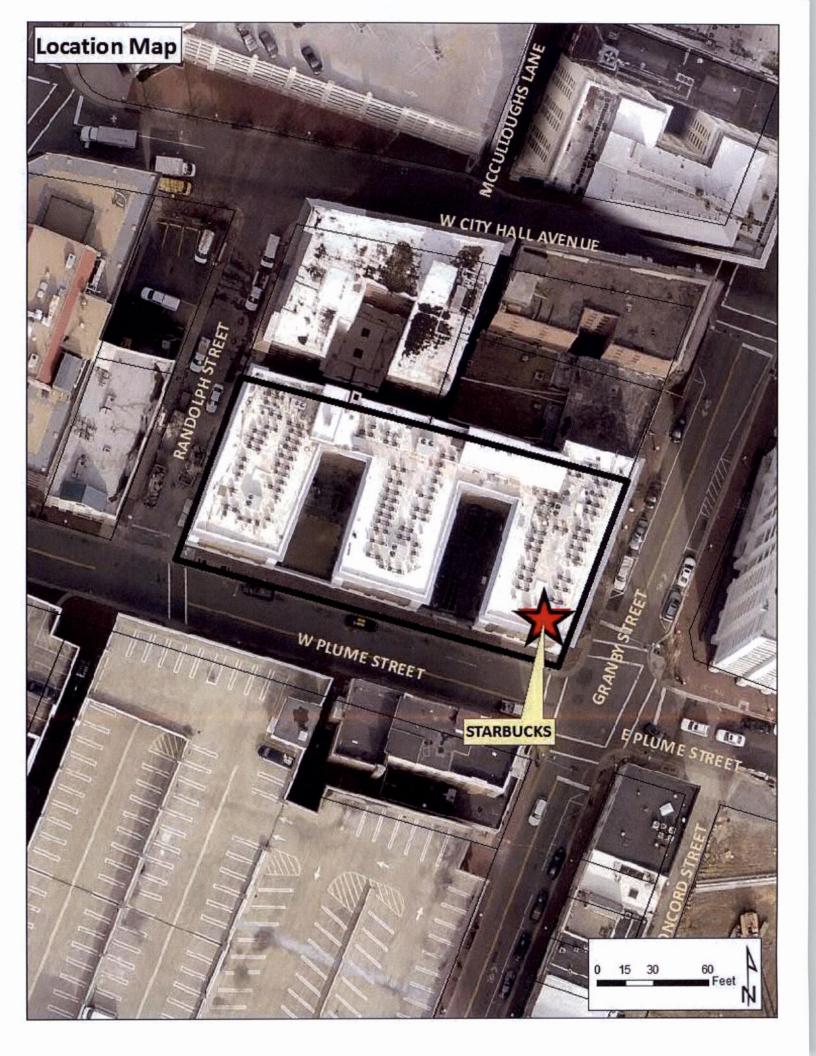
Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

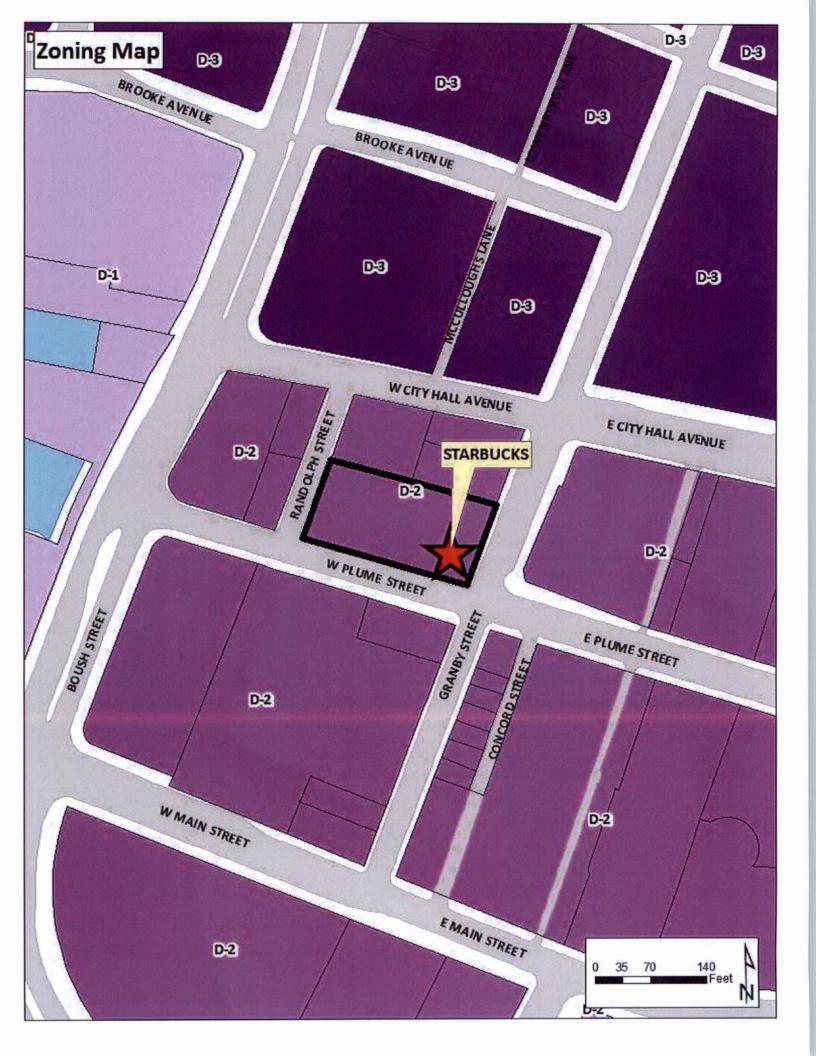
- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - o Tables/seats
 - Restroom facilities
 - o Bar
 - Ingress and egress
 - o Standing room
 - Outdoor seating
 - o Total maximum capacity (including employees)

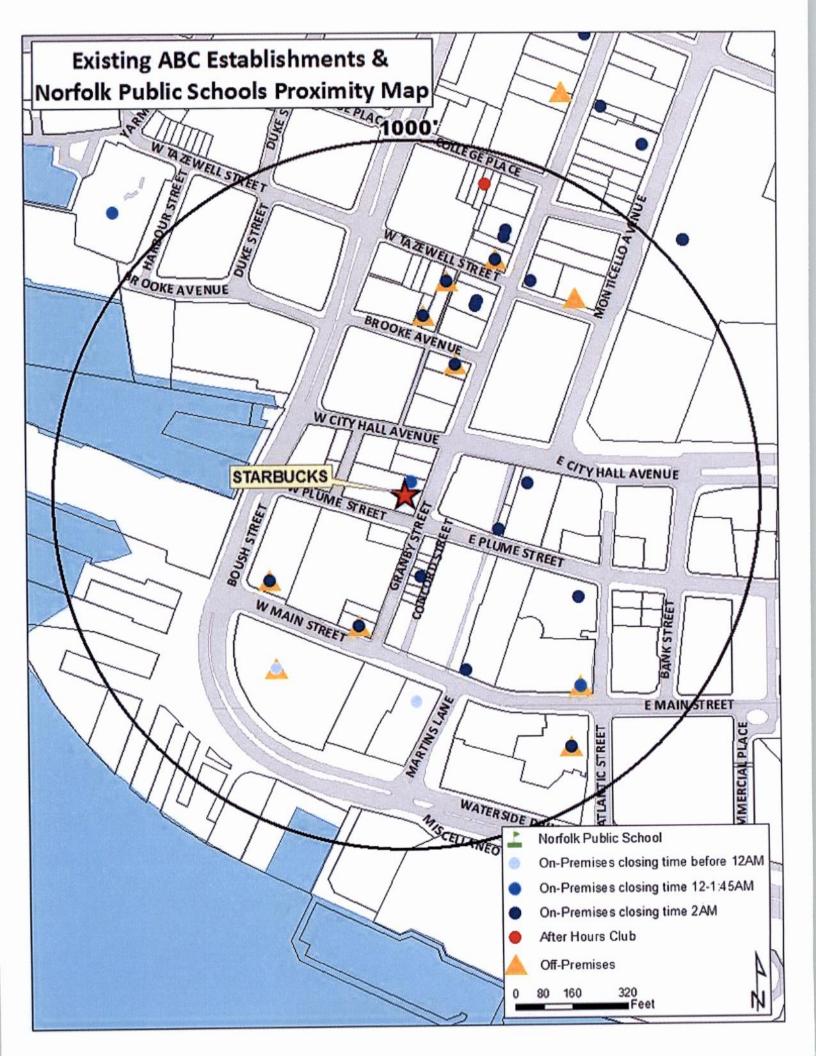
Total capacity

a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room	
b.	Outdoor Number of seats	0
c.	Number of employees	_10

Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 95









APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 10 15
DESCRIPTION OF PROPERTY
Address 145 Granby Street, Norfolk, VA 23510
Existing Use of PropertyStarbucks Coffee
Proposed UseStarbucks #7478 with Wine & Beer On premises
Current Building Square Footage _2560
Proposed Building Square Footage
Trade Name of Business (if applicable)Starbucks #7478
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) _Meier (First) _Stephanie(MI) _J
Mailing address of applicant (Street/P.O. Box): Attn: Mailstop S-TAX2 License Services, P.O.Box 34442
(City)Seattle (State)WA (Zip Code)98124
Daytime telephone number of applicant (206) <u>318-6511</u> Fax (206) <u>903-3583</u>
E-mail address of applicant: aglover@starbucks.com

DEPARTMENT OF CITY PLANNING

Application Eating and Drinking Establishment Page 3

REQUIRED ATTACHMENTS

Required application fee, \$355.00 (if check, make payable to the City of Norfolk).

o Application fee includes a non-refundable \$5 technology surcharge.

- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping

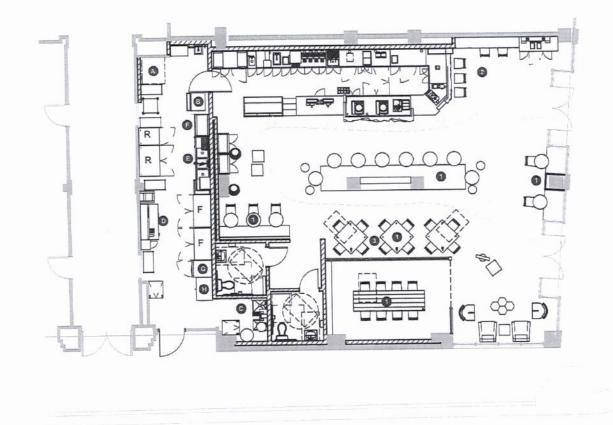
Property lines (see attached example)

- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICAT I hereby su herein is tru	TON bmit this complete applic e and accurate to the best o	ation and co	ertify the in	formation o	ontained
Print name:	Frank Gadams (Property Owner)	Sign:	2	/2 (Date)	1_2015
Print name:	Stephanie Meier (Applicant)	_Sign: <i>}</i>	Men	MI 7 (Date)	12015
ONLY NEEDED II	F APPLICABLE:				
Print name:	(Authorized Agent Signature)	_Sign:		/_ (Date)	/

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- A ELECTRICAL PANELS
- B ICE MACHINE
- MOP SINK / FILTRATION SYSTEM
- MANAGER'S DESK
- 3-COMP SINK
- EVENINGS PRE-WASH STATION
- © EVENINGS FRIDGE/ FREEZER
- EVENINGS STORAGE CAGE



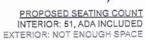








EVENING ZONE



WITH SIDEWALK FOR SEATING PROPOSED FLOOR PLAN

SCHEMATIC DESIGN PHASE 1

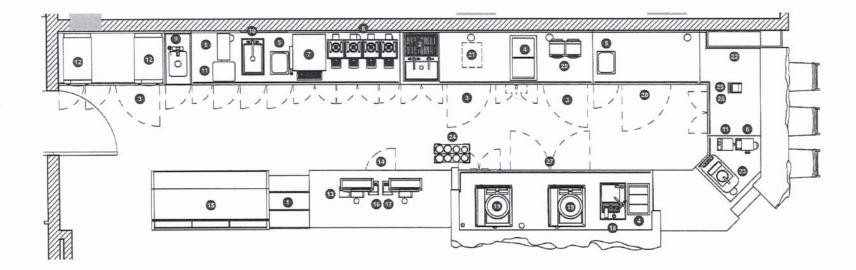
CORE

05457-038 GRANBY & PLUME

DESIGN TEAM: E. ZAKAMAREK / L. BRITO

08/06/2015

- FOOD INSERT
- 2 PITCHER, RINSER, SINK
- 1-DOOR U/C FRIDGE
- (ICE BIN
- TRASH DROP
- SHUTTLES
- DUAL BREWER
- GRINDER
- MAND SINK
- WORK SINK
- 1 SCALE
- OVEN
- 1 MOP CUP LABELER
- 3 SAFE
- 1 PASTRY CASE
- PRINTERS
- POS
- ALL-IN-ONE SINK
- MASTRENA
- @ BLENDERS
- FUTURE FIZZIO EQUIPMENT
- RESERVE TOWER
- @ CLOVER
- MOBILE CUP CADDY
- 4 MOP PRINTER
- 4 MOP STAGING
- 2-DOOR FRIDGE
- 1-DOOR EVENINGS LOCKABLE FRIDGE







14" ILLUMINATED WORDMARK ON RACEWAY 24" ILLUMINATED BLADE

SIGNAGE REQUIREMENTS

- FOR SIGNS BELOW 20 FT. FROM CURB LEVEL EACH BUSINESS IS ALLOWED 1.5 SQ. FT. OR SIGNAGE PER LINEAR FEET OF FRONTAGE
- NO WINDOW DISKS ALLOWED

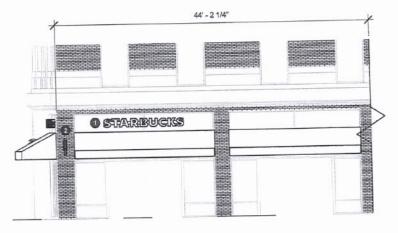
PROPOSED SIGNAGE:

- EAST ELEVATION

 ALLOWED: 66 SQ. FT.

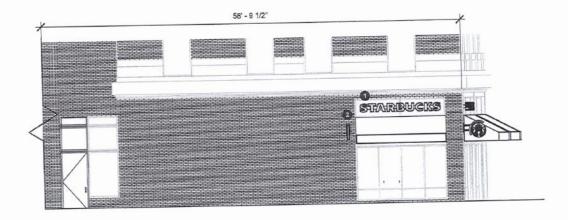
 PROPOSED: 28 SQ. FT.

- SOUTH ELEVATION
 ALLOWED: 88 SQ. FT.
 PROPOSED: 28 SQ. FT.





EAST ELEVATION SCALE: 1/8": 1'-0"



SOUTH ELEVATION SCALE: 1/8": 1'-0"



SCHEMATIC DESIGN PHASE 1

DESIGN TEAM: E. ZAKAMAREK / L. BRITO

SIGNAGE & EXTERIOR ELEVATIONS

08/05/2015









Richards, Sarah

From:

Straley, Matthew

Sent:

Wednesday, December 16, 2015 11:48 AM

To:

dncl@welovenorfolk.org; Miller, Mary

Cc: Subject: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Richards, Sarah new Planning Commission application - 143 Granby Street, Suites 141 and 143

Attachments:

Starbucks_downtown.pdf

Follow Up Flag:

Follow up Flagged

Flag Status:

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception to operate an eating and drinking establishment at 143 Granby Street, Suites 141 and 143.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569